

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANDRE MACK,

Plaintiff,

v.

NICOLAS PUGLIESE and DOORDASH,
INC.,

Defendants.

)
)
)
)
)
)
)
)
)
)

Case No: 1:22-cv-1522

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF INDIANA:

PLEASE TAKE NOTICE that Defendant, NICOLAS PUGLIESE (“Defendant”) through its undersigned counsel, respectfully notifies this Court of the removal of the above-captioned matter from the Superior Court in Marion County, Indiana, identified by case number 49D13-2206-CT-021844, to the United States District Court for the Southern District of Indiana, and shows the Court as follows:

1. This action was commenced in the Superior Court in Marion County, Indiana by serving Plaintiff’s Complaint on June 29, 2022.
2. Pursuant to 28 U.S.C. § 1446(a), a true and accurate copy of the Summons and a true and accurate copy of the Complaint are attached hereto as “Exhibit 1.”
3. Defendant was served with the Complaint on or around July 5, 2022 via Certified Mail.
4. Plaintiff Andre Mack (“Plaintiff”) brought this action against Defendants under a theory of negligence.

5. This action may be removed pursuant to 28 U.S.C. § 1441, as this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332.

6. At all times relevant to the Complaint, Plaintiff, Andre Mack, is a citizen of the State of Indiana.

7. At all times relevant to the Complaint, Defendant, Nicholas Pugliese, was a citizen of Minnesota.

8. At all times relevant to the Complaint, Defendant, Doordash, Inc. was incorporated in Delaware and its principle place of business is in California. Therefore Doordash, Inc. may be interpreted as a citizen of Delaware or California. *Wachovia Bank v. Schmidt*, 126 S. Ct. 941, 946 (U.S. 2006) (Corporation is deemed “citizen” for § 1332 purposes only if its state of incorporation and state where its principal place of business is located.); *Cincinnati Insurance Company v. Eastern Atlantic Insurance Company*, 260 F.3d 742, 747 (7th Cir. 2001).

9. The amount in controversy for the Plaintiff exceeds \$75,000.00, exclusive of interests and costs, based on the Complaint’s allegations and individual settlement demand made by Plaintiff’s counsel of \$89,287.16. Plaintiff alleges soft-tissue injuries to his neck, back, and left shoulder. Plaintiff alleges he treated at Eskenazi Health, Eskenazi Hospital, and Indianapolis Integrative Health & Rehab as a result of the occurrence. Plaintiff alleges total medical bills related to the occurrence are at least \$14,287.16.

10. Because the jurisdictional minimums are satisfied and the parties are of diverse citizenship, the Court has jurisdiction of this action under 28 U.S.C. § 1332.

11. The Marion County Circuit Court is located in the Southern District of Indiana, 28 U.S.C. § 94(b). Venue is proper because this is the “district and division embracing the place where the action is pending.” *See* 28 U.S.C. § 1441(a) and 1446(a).

12. Pursuant to 28 U.S.C. § 1446(a), Defendants attached to this Notice of Removal a copy of all process, pleadings and other orders filed in the State Court action to date, and the state court docket. See Exhibit 2.

13. The instant Notice of Removal is being filed within 30 days of Defendant having been served with the Summons and Complaint. Therefore, pursuant to 28 U.S.C. § 1446(b), the instant Notice of Removal is timely.

14. Defendant will give written notice of the filing of this Notice of Removal to all adverse parties, as required by 28 U.S.C. § 1446(d).

15. Co-Defendant, Doordash, Inc., consents to removal of this case from state court. See Exhibit 3.

16. Defendant will file a true and accurate copy of this Notice of Removal with the State on Indiana, Marion County Superior Court, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant, NICOLAS PUGLIESE, respectfully requests that the aforementioned State Court Action, now pending in the Superior Court in Marion County, Indiana be removed to the United States District Court for the Southern District of Indiana.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

By: /s/ Jennifer L. Fisher

Jennifer L. Fisher (31967-64)

jfisher@hinshawlaw.com

Cassandra J. Neal (35044-45)

cneal@hinshawlaw.com

322 Indianapolis Blvd., Suite 201

Schererville, IN 46375

219-864-5051